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DATE: March 13, 2006

TO: Examiner Shawn S. AN
USPTO GPAU 2613

FAX NO.: 571-273-8300

FROM: Adam D. Sheehan
Reg. No. 41,146**RE: Appeal Brief**

U.S. APP NO.: 09/491,121

FILING DATE: January 24, 2000

APPLICANT(S): Branko KOVACEVIC et al.

ATTY DKT NO.: 1376-0000010

TITLE: METHOD AND SYSTEM FOR HANDLING DATA

NO. OF PAGES (INCL. COVER SHEET): 8

Attached please find:

- ☒ Transmittal Form (1 pg)
☒ Reply Brief (6 pgs)

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/491,121	
	Filing Date	January 24, 2000	
	First Named Inventor	Branko KOVACEVIC	
	Art Unit	2613	
	Examiner Name	Shawn S. AN	
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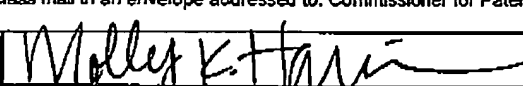
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Firm Name	LARSON NEWMAN ABEL POLANSKY & WHITE, LLP		
Signature			
Printed name	Adam D. Sheehan		
Date	March 13, 2006	Reg. No.	42,146

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Branko Kovacevic et al.

For: METHOD AND SYSTEM FOR HANDLING DATA

App. No.: 09/491,121 Filed: January 24, 2000

Examiner: Shawn S. An Group Art Unit: 2613

Customer No.: 34456 Confirmation No.: 8119

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REPLY BRIEF

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I. STATUS OF CLAIMS

A. TOTAL NUMBER OF CLAIMS IN APPLICATION

There are thirty-five (35) claims pending in the application (claims 1-35).

B. STATUS OF ALL THE CLAIMS

1. Claims pending:

Claims 1-35.

2. Claims withdrawn from consideration but not canceled:

3-5, 11, 12, 25-32 and 35.

3. Claims allowed:

NONE.

4. Claims objected to:

NONE.

5. Claims rejected:

Claims 1, 2, 6-10, 13-15, 20-24, 33 and 34 are rejected under 35 U.S.C. § 102(b).

Claims 16-19 are rejected under 35 U.S.C. § 103(a).

6. Claims canceled:

NONE.

C. CLAIMS ON APPEAL

There are seven (7) claims on appeal, claims 16-19 and 22-24.

II. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

A. Claims 22-24 are rejected under 35 U.S.C. § 102(b) in view of United States Patent No. 5,517,250 to *Hoogenboom et al* (hereinafter, "the *Hoogenboom* reference") as set forth in the Non-Final Action and the Final Action.

B. Claims 16-19 are rejected under 35 U.S.C. § 103(a) over the *Hoogenboom* reference in view of United States Patent No. 6,043,828 to *Orr* (hereinafter, "the *Orr* reference") as set forth in the Non-Final Action and the Final Action.

III. ARGUMENTS (37 C.F.R. § 41.37(c)(1)(vii))

As explained further below, and as pointed out in the Brief on Appeal, the Examiner has failed to show that the cited references disclose or suggest each and every element of the claims on appeal. Accordingly, the rejections of the claims are improper, and should be withdrawn.

A. Examiner's arguments with respect to claims 22-24

Claims 22-24 were rejected under 35 U.S.C. § 102 as being anticipated by Hoogenboom, et. al. (United States Patent No. 5,517,250) (hereinafter "the Hoogenboom reference"). As pointed out in the Brief on Appeal, the Hoogenboom reference fails to disclose "a first parser means for analyzing a header of the data packet before a payload header is received" as recited by claim 22.

The Examiner's Answer at page 5 alleges that the Hoogenboom reference discloses detecting a payload unit start indicator in a transport header at a transport syntax parser. Upon detecting this start indicator, the transport syntax parser will know that the first portion of the payload in the transport packet will contain a PES header. From these assertions, the Examiner leaps to the conclusion that "since the transport syntax parser...has to detect a payload unit start indicator in the transport header initially to determine that the first portion of the payload in that transport packet will contain the PES (payload) header, the payload header could not have been received before analysis of a (transport) header of the data packet." *Examiner's Answer*, page 5 (emphasis in original). However, the Examiner's conclusion does not follow from the asserted premises. Even assuming *arguendo* that the transport syntax parser does analyze a data packet header, it does not follow that the analysis must take place before receipt of a payload header. For example, one of skill in the art will appreciate that a transport packet, including the payload portion of the transport packet, typically is buffered prior to analysis of the transport header. The Hoogenboom reference is silent as to when analysis of the transport header takes place. The Examiner assumes in hindsight that the analysis takes place before receipt of a payload header, but cannot cite a single portion of the Hoogenboom reference to support this assumption. Accordingly, the Hoogenboom reference fails to disclose a first parser means for analyzing a header of the data packet before a payload header is received as recited in claim 22.

Claim 22 also recites the feature of “a second parser means physically separate from the first parser means for analyzing the payload header.” As explained in the Brief on Appeal, this element is not disclosed by the Hoogenboom reference. The Examiner argues that the transport parser 32 and the video parser 40 of Figure 1 of the Hoogenboom reference are illustrated as physically separate from each other. *Id.* at page 6. However, as explained in the Brief on Appeal, Figure 1 of the Hoogenboom reference is a block diagram that illustrates the functional, not physical, layout of a video decompression monitor. Accordingly, there is no disclosure in the Hoogenboom reference of a second parser means physically separate from the first parser means for analyzing the payload header as recited by claim 22.

B. Examiner’s arguments with respect to claims 16-19

Claims 22-24 were rejected under 35 U.S.C. § 103 as being obvious over the Hoogenboom reference in light of Ort (United States Patent No. 6,043,828) (hereinafter “the Ort reference”). As pointed out in the Brief on Appeal, the Hoogenboom reference and the Ort reference, individually and in combination, fail to disclose “analyzing at the first parser at least a portion of the first N data blocks after the start of the data packet to determine a data type of a subsequent data block of the data packet, wherein the subsequent data block is after the first N data blocks” as recited by claim 16.

The Examiner’s Answer at page 6 alleges that the Hoogenboom reference discloses this element by disclosing a sequence header of video information. According to the Examiner’s Answer, the sequence header identifies parameters of a picture, and identifies a picture header to identify a new sequence of video information. *Id.* at page 6. However, even assuming *arguendo* that the Hoogenboom reference does in fact disclose the sequence header, the Hoogenboom reference does not disclose that the sequence header is analyzed to determine a *data type* of a subsequent data block of a data packet. The Examiner alleges that the sequence header determines a data type of a subsequent block by identifying a new sequence of video information. *Id.* However, the identification of a new sequence of video information does not identify a *data type* of that video information. Accordingly, the Hoogenboom reference fails to disclose or suggest analyzing at the first parser at least a portion of the first N data blocks after the start of the data packet to determine a data type of a subsequent data block of the data packet, wherein the subsequent data block is after the first N data blocks as recited by claim 16. Further, the Ort reference does not remedy the deficiency of the Hoogenboom reference.

IV. CONCLUSION

For the reasons given above, the Appellants respectfully request reconsideration and allowance of all claims and that this patent application be passed to issue.

Respectfully submitted,

3/13/06
Date



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